IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7963 OF 2005

Shaefali Jain .. Applicant
Versus
State of Maharashtra & Anr. .. Respondents

Mr.Kumar Tolani with Mr.J.R.Trivedi i/b. Nankani & Associates for applicant
Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th Decembetr 2005.

P.C.

. Heard Mr.Tolani for applicant and Mr.Tatkare, A.P.P. for State. I have perused with the assistance of Mr.Tatkare and Mr.Tolani, reply of prosecution to the bail application preferred by the applicant herein in trial court.

2. Applicant lady accused was at the relevant time Manager of complainant bank at its

Corporate office. Allegations are that the applicant has disbursed amounts purportedly as educational loans, although, the borrowers have made statements that they have not sought the amounts which are deposited in their accounts. Allegation that applicant - Manager cheated bank is on the basis that the requests for loans which were not authenticated have been forwarded and disbursments were made. Signatures of some of borrowers on the request forms are forged. Bank has suffered loss, is the sum and substance of this reply. Considering the fact that applicant has been detained in custody from 24th November 2005 and further there being no antecedents, application can be considered in favour of applicant. However, at the same time stringent conditions will have to be imposed since investigations are in progress.

3. Accordingly following order:-

i) Applicant shall be enlarged on bail in connection with C.R.No.157 of 2005 and subsequently transferred to E.O.W., G.B., C.I.D., Mumbai as 43 of 2005 in the sum of Rs.1 lakh with one or two sureties in the like amount.

ii) Applicant shall report to E.O.W., G.B.C.I.D., Mumbai twice a week on every Thursday and Sunday between 5.00 p.m. and 7.00 p.m.

iii) Applicant is restrained from entering the Corporate office of complainant bank. However, this would not prevent applicant from attending Corporate office upon the bank summoning her for some work or other purpose.

iv) Applicant shall not, directly or indirectly, make any inducement or threat

to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application disposed dof in the above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)